

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

SHEILA AIKENS

VS.

CIVIL ACTION NO. 2:06cv164-KS-MTP

THE CIT GROUP/SALES FINANCING, INC.  
AND JOHN DOES 1-10

ORDER DENYING REMAND, ETC.

This cause is before the Court on [5] Motion to Remand, [16] Supplemental Motion to Remand, etc., and [17] Motion for Discovery by Sheila Aikens and the Court after considering the above, finds as follows, to-wit:

That in Paragraph 12 in the Supplement to Motion to Remand, Plaintiff offers to withdraw her Motion to Remand and move forward subject to an order by the Court allowing for remand to the Circuit Court of Marion County when and if non-diverse persons or entities are discovered who may be liable for all or part of the damages caused by Plaintiff pursuant to 28 U.S.C. § 1447(e).

Twenty-eight U.S.C. § 1447(e) reads: “If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the state court.”

Based on the representations regarding the residence of the defendant and other potential actors on behalf of the defendants, this Court finds that the course suggested by Plaintiff is reasonable. Discovery will be conducted either in state or federal court and the forum that this case is pending in will not make a difference, at least for the short term.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the [5]Motion to Remand and [16] Supplement to Motion to Remand are withdrawn and [17] Motion for Discovery should be withdrawn and the Court does find that same should be allowed. Additionally, the Court finds that should additional parties be discovered through discovery whose joinder would destroy subject matter jurisdiction, the Court will permit joinder and remand the action to the state court.

SO ORDERED AND ADJUDGED on this, the 20<sup>th</sup> day of December 2006.

*s/ Keith Starrett*  
UNITED STATES DISTRICT JUDGE